[Constitution as of 1949]



633 Art. 100. The Departments of the Executive Committees of the city Soviets of Working People's Deputies are subordinate in their activities both to the respective city Soviets of Working People's Deputies and their Executive Committees and to the corresponding Departments of the district Soviets of Working People's Deputies or directly to the corresponding Departments of the territorial and regional Soviets of Working People's Deputies.

Art. 101. The Departments of the Executive Committees of the city Soviets of Working People's Deputies of Moscow and Leningrad are subordinate in their activities both to the Soviets of Working People's Deputies of Moscow and Leningrad and their Executive Committees as well as to the corresponding Ministry of the Russian SFSR directly.

634 Art. 102. The Soviets of Working People's Deputies of National Areas and their Executive Committees exercise in the territory of their Areas the rights and duties conferred on them by the "Statute of National Areas" and likewise by the decisions of the corresponding territorial or regional Soviets of Working People's Deputies.

"The Statute of National Areas" is established by the Supreme Soviet of the Russian SFSR.

## Chapter IX. The Budget of the Russian Soviet Federated Socialist Republic

652 646 Art. 103. The state budget of the Russian SFSR is drawn up by the Council of Ministers of the Russian SFSR and submitted by it to the Supreme Soviet of the Russian SFSR for its approval.

Upon its approval by the Supreme Soviet of the Russian SFSR the state budget of the Russian SFSR is published for general information.

Art. 104. The Supreme Soviet of the Russian SFSR elects a Budget Commission, which reports its conclusions on the state budget of the Russian SFSR to the Supreme Soviet.

Art. 105. The report on the fulfilment of the state budget of the Russian SFSR is approved by the Supreme Soviet of the Russian SFSR and published for general information.

652 631 Art. 106. The budgets of Autonomous Republics, and the local budgets of territories, regions, Autonomous Regions, National and Administrative Areas, district, city and village Soviets include the revenues from the local economy, deductions from the state revenues collected within their territories and likewise receipts from local taxes and imposts in amounts fixed by the laws of the USSR and of the Russian SFSR.

## Chapter X. The Courts and the Procurator's Office.

692 Art. 107. In the Russian SFSR justice is administered by the Supreme Court of the Russian SFSR, the Supreme Courts of the Autonomous Republics, Territorial and Regional Courts, the Courts of the Autonomous Regions, the Courts of National Areas, the Courts of Administrative Areas, the Special Courts of the USSR established by decision of the Supreme Court of the USSR and the People's Courts.

693 Art. 108. In all Courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

[Constitution as of 1949]



692 Art. 109. The Supreme Court of the Russian SFSR is the highest judicial organ of the Russian SFSR. The Supreme Court of the Russian SFSR is charged with the supervision of the judicial activities of all the judicial organs of the Russian SFSR, the Autonomous Republics and the Autonomous Regions.

Art. 110. The Supreme Court of the Russian SFSR is elected by the Supreme Soviet of the Russian SFSR for a term of five years.

Art. 111. The Supreme Courts of the Autonomous Republics are elected by the Supreme Soviets of the Autonomous Republics for a term of five years.

Art, 112. Territorial and Regional Courts, the Courts of Autonomous Regions, the Courts of National [illegible] and administrative Areas are elected by the territorial and regional Soviets of Working People's Deputies, by the Soviets of Working People's Deputies of Autonomous Regions and by the Soviets of Working People's Deputies of National and administrative Areas for a term of five years.

Art. 113. People's Courts are elected by the citizens of the districts on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

695 [692] Art. 114. Judicial proceedings in the Russian SFSR are conducted in the Russian language or in the language of the Autonomous Republic or the Autonomous Region or the National Area, persons not knowing the language being guaranteed every opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

Art. 115. In all courts of the Russian SFSR cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to be defended by counsel.

693 Art. 116. Judges are independent and subject only to the law.

Art. 117. Supreme supervisory power to ensure the strict observance of the law by all Ministries and institutions subordinate to them, as well as by officials and citizens within the territory of the Russian SFSR generally, is exercised by the Procurator-General of the USSR directly and also through the Procurator of the Russian SFSR.

Art. 118. The Procurator of the Russian SFSR and the regional procurators are appointed by the Procurator-General of the USSR for a term of five years.

Art. 119. Procurators of territories and regions, of Autonomous Republics and Autonomous Regions are appointed by the Procurator-General of the USSR for a term of five years.

Art. 120. Procurators of National and administrative Areas, districts and cities are appointed by the Procurator of the Russian SFSR subject to the approval of the Procurator-General of the USSR for a term of five years.

Art. 121. The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator-General of the USSR.

6: Tomasic E-4 (1947-1948) 1953 RF1 Great Russia RF1



Great-Russian peasant saw the need to keep on good terms with this ruler of the underworld.

Since the Czar was identified with God, the peasant's feeling toward the Czar was like his attitude toward God. He knew that the Czar was as omnipotent as God. "Everything is in the power of God and the Czar," he would say. Therefore, he feared the Czar like he feared God, he felt an awe before the Czar as before God, and he hoped for the best, but it can hardly be said that he had much love for him. "Czar is not fire, but if you come close to him you will burn yourself," he would say. His idea was also that "Where there is Czar there is fear and dread," and that "Czar's rage spreads death." Since God was so far away, detached, neglectful, and implacable, it was the Czar's fearful power that mattered. "God's is the will, but the court is Czar's," he would say.[5]

The peasant's feelings toward the supreme power of the world and of the universe reflected only his bitter experiences with the representatives of these powers on the earth with whom he had to deal in local affairs. Often these did not bring justice, but venality, arbitrariness and persecution. "The court is founded on untruth and injustice"; "Where there is court there is chicanery," he would say. And since the judges were corrupted, the only way to get anything from them was to bribe them. "The judge is useful as much as the pocket is helpful," he would say. Such action, however, was not always advisable because of greediness of the judges. "You will never fill a judge's pocket"; "Do not litigate, you will strangle yourself."[6]

Because of his traditional distrust of authorities the peasant showed also a profound lack of trust in all written laws. He likened the law to the cobweb whose purpose was to catch the small and helpless, not the big and powerful ("The bumblebee will break through, the fly will get stuck."). He also compared the law to a tool that could be used arbitrarily by those who held it in their hands ("The law is like shaft, you turn it wherever you want it."). He noticed that "those who write the laws also break them," and concluded that "It is in vain to write laws if they are not carried out." In accordance with the Old-Slavonic anarchic and equalitarian traditions he was inclined to believe

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ment expense the Party recruits these in the first place from among specific categories of children, such as war orphans, illegitimate and delinquent children, and children of Party functionaries. Such children are considered to be most promising from the point of view of Party objectives.

It is mainly from the university student body that the new ruling classes and all needed experts of the Soviet Union are being recruited.[16] It is therefore of paramount importance that this reservoir of the ruling strata is kept well under control and that it is thoroughly ideologically indoctrinated and trained in unswerving loyalty and conformity to the Party. "Ideological training of Soviet students is a vital and integral part of all the work of district, city, province, and territory party committees."[17] It is therefore imperative that this body is highly selective and not overcrowded. Recruitment of university students from among higher classes and from selected categories of children serves well the Party objectives to perpetuate its power and to command unconditional submission of all to its will. Such policies also tend to solidify Soviet social structure along caste lines.[18]

III

The Bolsheviks have also employed other means to establish their absolute dominance. Following Anarchist precepts and practices, and driven by power-seeking and destructive aggression, they have justified a number of oppressive measures as being necessary "to hasten the liquidation of the capitalistic elements and to organize defense against capitalist encirclement which is as yet far from being, and will not soon be destroyed."[19] Their objectives were to be achieved not only by means of economic dependency, systematic indoctrination, planned social isolation and lack of trust, but also by means of relentless vigilance and systematic terror.

One of the most important instruments of such policies have been the courts of law. Soviet socialist law is defined as the "totality of the rules of conduct, established in the form of legislation—to the end of annihilating, completely and finally, capitalism and its survival in the economy, manner of life,

6: Tomasic E-4 (1947-1948) 1953 RF1 Great Russia RF1



and consciousness of people. . . ."[20] The Soviet court is to accomplish this task "by destroying without pity all the foes of the people in whatsoever form they manifest their criminal encroachments upon socialism."[21]

One of the chief watchdogs in such use of the law and of the court is the Prosecutor General of the USSR. In this function as the main overseer in the application of Soviet law the office of the Prosecutor General is empowered "upon its own initiative" to interfere on all the levels of juridical procedure, including even the decisions of the Supreme Court. The Prosecutor's office is therefore defined as "Inseparably integrated with the court—an organ of state authority obligated to oversee that socialist legality is observed."[22] The Prosecutor's office initiates criminal proceedings and has also the right to initiate a civil court proceeding. It also supervises the fulfillment of court sentences.

In this manner the office of the Prosecutor General has become the main instrument in preventing any local opposition to or local deviation from the application of law. To best perform this role of strict legal uniformity the office of the Prosecutor General had to be highly centralized, made independent of local organs of authority, while in close contact and under the strict supervision of the highest organs of the Party's hierarchy.[23] In this way the Public Prosecutor has become a means of the "uniform conception of justice" (*edinocbraznoe ponimanie zakonnosti*), "an instrument of political power" (*orudie ukreplenia gosudarstva*), and an agent of "moral-political unity" (*moralno-politicheskoe edinstvo*).[24] By enforcing strict application of the letter of the law, the top Party leaders have been enabled to keep the republic, the regional and the local government agencies, the municipal bureaucracies, and the industrial and farm managements from any deviations in the application of law.[25]

Another significant instrument of political conformity in Soviet society is the institution of the political police. In accordance with its tradition this institution specializes in intelligence, vigilance and violence. It complements all other instruments of conformity and functions as an omnipresent and omniscient power which sleeplessly watches over the private and the public life of every Soviet citizen at home and abroad. The